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PTO/SB/21 (08-03)

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/661,684
	Filing Date	September 14, 2000
	First Named Inventor	Judith E. Schwabe
	Art Unit	2122
	Examiner Name	Wei Y. Zen
Total Number of Pages in This Submission	Attorney Docket Number	SUN-P4174

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MAR 12 2004

Technology Center 2100

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ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  1449 citing 5 pieces of art
Remarks		

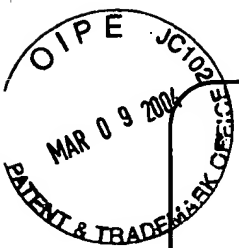
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John P. Schaub, Reg. No. 42,125
Signature	[Signature]
Date	3/5/04

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Carol Diez	Date	3-5-04
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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 180

Complete if Known

Application Number	09/661,684
Filing Date	September 14, 2000
First Named Inventor	Judith E. Schwabe
Examiner Name	Wei Y. Zen
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METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																		
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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	John P. Schaub	Registration No. (Attorney/Agent)	42,125
Signature		Telephone	(408) 292-5800
		Date	3/5/04

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No. SUN-P4174  
(814 173-000093)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

MAR 12 2004

Technology Center 2100

APPLICANT: Judith E. Schwabe  
SERIAL NO.: 09/661,684  
FILING DATE: September 14, 2000  
TITLE: Remote Incremental Program Binary Compatibility Verification  
Using API Definitions  
EXAMINER: Wei Y. Zhen (Tel. No.: (703) 305-0437)  
(Fax No.: (703) 746-7239)  
ART UNIT: 2122

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service as First Class  
Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,  
on the date printed below:

Date:

3-5-04

Name:

Carol Diez

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Each item of information listed in the attached FORM PTO-1449, for which a  
copy of each is attached, may be material to the examination of the above-identified  
application and is, therefore, submitted in compliance with the duty of disclosure defined  
in 37 CFR §§ 1.56, 1.97 and 1.98. The Examiner is requested to make these items of  
official record in this application.

03/11/2004 SSESHE1 00000104 09661684

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This Information Disclosure Statement under 37 CFR §§ 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

## I

This statement is filed pursuant to:

☐ 37 C.F.R. § 1.97(b).

This information disclosure statement is filed either (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d); (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; (3) before the mailing date of a first office action on the merits, or (4) before the mailing of a first office action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.

☐ 37 C.F.R. § 1.97(c).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97 (b), but before the mailing date of either (1) a final action under 37 C.F.R. § 1.113; (2) a notice of allowance under 37 C.F.R. § 1.311; or (3) an action that otherwise closes prosecution in the application.

Accordingly, this information disclosure statement requires either the fee specified in 37 C.F.R. § 1.17 (p) for submission of an information disclosure statement under 37 C.F.R. § 1.97 (c) (\$180); or a certification according to 37 C.F.R. § 1.97 (e).

☒ 37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97 (c).

Accordingly, this information disclosure statement requires the fee specified in 37 C.F.R. § 1.17 (p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) (\$180), and a certification according to 37 C.F.R. § 1.97(e).

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.

## II

- ( ) No fee is due.
- (X) The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) is enclosed (\$180).

Please charge any additional required fee or credit any overpayment to our deposit account number 50-1698.


## III

Pursuant to 37 C.F.R. § 1.97(e), I certify:

- ( ) No certification is necessary.
- (X) (1) Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information statement; or
- ( ) (2) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of the statement.

Respectfully submitted,  
THELEN REID & PRIEST LLP

Dated: March 5, 2004

  
\_\_\_\_\_  
John P. Schaub  
Reg. No. 42,125

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